

(5) Positions designated by competent authority as fee-rate positions within the Special Category established by the regulations in this part.

(6) Positions requiring part-time or intermittent services in which the individual appointee will receive during his service year compensation that aggregates not more than 40 percent of the annual salary rate for the first step of grade 3 in the applicable Non-Manual schedule.

(7) Positions designated by the agency as appropriate for use as Student Trainee positions and which are filled under a cooperative work-study agreement between an agency and a college or university approved for participation in such a program by the agency.

(8) [Reserved]

(9) Student assistant positions.

(10) Positions that are filled by mentally retarded or severely physically handicapped persons pursuant to regulations issued by the PAPB. Such regulations shall conform, in substance, to those utilized to authorize appointment of the aforesaid classes of persons in Federal employment in the United States.

(d) Heads of services in hospitals operated by the United States in the Republic of Panama, and the incumbents thereof, are excluded from the provisions of sections 1212 of the Panama Canal Act which provide for merit selection for employment, sections 1212 and 1215 through 1217 of the said Act, Subpart B of the regulations in this part, and Subparts B and C of the regulation in Part 253, except that such positions and incumbents are not excluded from the provisions of section 1217(d) of the Act.

(e) Positions of student assistant, apprentice and learner, and the incumbents thereof, are excluded from the provisions of section 1225(b)(2) of the Panama Canal Act.

(f) Professional educators employed by the Department of Defense Dependent Schools are excluded from all the provisions of Subchapter II and the regulations in this part and Part 253 of this chapter, except that the incumbents of these positions are eligible to receive any differential authorized by Subchapter II and the regulations in §§ 251.31 and 251.32 of this part.

(g) Officers and employees of the National Security Agency appointed and compensated pursuant to the National Security Act of 1959, as amended, 50 U.S.C. 3402, note, are excluded from all provisions of subchapter II and the regulations contained in this part and part 253 of this chapter, except that such positions are not excluded from the provisions of sections 1217, 1217a and 1218 of subchapter II or the regulations in §§ 251.25, 251.31 and 251.32.

(h) Positions at or above GS-6 and equivalent subject to the Civilian Intelligence Personnel Management System (CIPMS) are excluded from all the provisions of subchapter II and the regulations contained in this part and part 253, except that such positions are not excluded from the provisions of sections 1217, 1217a, and 1218 of subchapter II or the regulations in §§ 251.25, 251.31 and 251.32.

(i) Officers and employees of non-Department of Defense (DOD) agencies attached to DOD agencies in Panama are excluded from all the provisions of subchapter II and the regulations contained in this part and part 253 of this chapter, except that such employees may be covered by the provisions of sections 1217, 1217a, and 1218 of subchapter II and the regulations in §§ 251.25, 251.31 and 251.32 of this chapter, if coverage by said provisions is agreed to by the employee's agency and DOD and such coverage does not result in a benefit greater than that provided to DOD employees.

[47 FR 12952, Mar. 26, 1982, as amended at 51 FR 33262, Sept. 19, 1986; 56 FR 1923, Jan. 18, 1991; 56 FR 40555, Aug. 15, 1991; 58 FR 5616, Jan. 22, 1993]

§ 251.5 Compliance with regulations.

Inspection or program evaluation facilities within the higher headquarters of the employing agencies will be utilized for periodic evaluation of operations under the regulations in this part and Part 253 of this chapter. When an evaluation indicates failure on the part of any activity to adhere to the regulations in this part, the Secretary of the Army will bring such deviations to the attention of the head of the agency concerned who will be responsible for taking necessary corrective action. When an evaluation reveals an

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improper or erroneous action by the PAPB, the Chairman of the PAPB will direct corrective action be taken.

§ 251.6 Deviations.

Whenever strict compliance with the letter of the regulations in this part would create practical difficulties or undue hardships, the Panama Area Personnel Board may permit a deviation from these regulations. Such authority may be exercised only if the deviation is within the spirit of the regulations and the efficiency of the U.S. Government and the integrity of the Panama Canal Employment System are protected and promoted. Any deviation authorized, and the reasons therefor, shall be made a matter of record.

[51 FR 33262, Sept. 19, 1986]

Subpart B—Compensation and Allowances Under the Panama Canal Employment System

§ 251.11 Uniformity of job classification standards.

In order to assure uniform application of rates of basic compensation, job classification standards shall be uniform within and among all agencies. Any problems arising in achieving such uniformity which cannot be resolved between or among the agencies shall be referred to the PAPB for resolution. If resolution is not achieved the matter shall then be forwarded to the Office of the Secretary of the Army for decision.

§ 251.12 Uniformity of compensation.

(a) The rates of basic compensation for positions and employees and the additional compensation authorized by §§ 251.31 and 251.32 shall be uniform within and among all agencies. Any problems arising in achieving such uniformity shall be referred to the PAPB for resolution. If resolution is not achieved the matter shall then be forwarded to the Office of the Secretary of the Army for decision.

(b) This section shall not preclude the adoption by agencies, under regulations issued by the PAPB, of special rate ranges or other special rates of basic pay for positions for which employees must be recruited from outside

the Republic of Panama or in other appropriate circumstances. This section shall not preclude the establishment of rates of pay for employees described in paragraph (b)(1) of this section that are different than the rates established for employees described in paragraph (b)(2) of this section:

(1) A person who was employed by a department on September 30, 1979 and continued in employment with an agency without a break in service of more than three days or a person who was separated from the service of the Panama Canal Company or Canal Zone Government by reason of a reduction in force on September 30, 1979, and was appointed to a position in the Panama Canal Commission before April 1, 1980; a person who was employed on September 30, 1979, by an agency of the United States Government (other than an agency subject to this part) which since that date has had responsibility for carrying out the rights and responsibilities of the United States under the Panama Canal Treaty of 1977 if the person is appointed to a position under Part 253 within 90 days of terminating employment with such agency; and

(2) Anyone other than a person described in paragraph (b)(1) of this section.

[47 FR 12952, Mar. 26, 1982, as amended at 51 FR 33262, Sept. 19, 1986]

§ 251.13 Establishment of basic wages.

Agencies that participate in the Panama Canal Employment System shall consult with each other concerning basic pay for employees and shall refer their recommendations for basic pay to the Panama Area Personnel Board. Upon approval by the Secretary of the Army or his designee of basic wage rates, the rates shall be adopted by the agencies.

§ 251.21 Use of categories.

Positions in the agencies shall be grouped into the categories set forth in §§ 251.22 to 251.24.

§ 251.22 Non-manual category.

Those occupational groupings which embrace administrative, clerical, technical, professional, and related occupations. This includes positions covered by Chapter 51 of Title 5, United States